

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 29, 2008**

**DIVISION ONE**

B194135     Robert Mayman, as Trustee etc.     (Not for Publication)  
                 v.  
                 Susan Marlowe et al.

The judgment is affirmed.

Mallano, Acting P.J.

We concur:   Vogel (Miriam A.), J.  
                 Rothschild, J.

B196819     Nolayan Heredegen                     (Not for Publication)  
                 v.  
                 City of Los Angeles et al.

The judgment is affirmed.

Mallano, Acting P.J.

We concur:   Rothschild, J.  
                 Jackson, J. (Assigned)

DIVISION ONE (continued)

B193621 Mary Sullens (Not for Publication)

v.

Michael Sullens

The appeal is dismissed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.  
Jackson, J. (Assigned)

B193498 Joseph Chavarin, as Special Administrator etc. (Not for Publication)

v.

Teresa Chavarin et al.

The judgment is affirmed. Each party to bear their own costs.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.  
Rothschild, J.

B190108 Chino Valley Pathology Medical Group et al. (Not for Publication)

B191450 v.

Doctor's Hospital Medical Center of Montclair et al.

The judgment is reversed and the post-judgment order awarding attorney's fees is vacated. The cause is remanded to the trial court for proceedings consistent with this opinion. Plaintiffs are to recover their costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.  
Rothschild, J.

## DIVISION ONE (continued)

B193004      People      (Not for Publication)

V.  
Pitts

The enhancements imposed under section 186.22, subdivision (b)(1)(A), are reversed. The remainder of the judgment is conditionally reversed and the matter is remanded for the trial court to conduct a section 1538.5 hearing. If, following those proceedings, the judgment is reinstated, the trial court shall impose the following additional penalties: two state construction penalties of \$100 pursuant to Government Code section 70371, with one of the penalties stayed; a \$50 penalty assessment (§ 1464, subd. (a)) and a \$35 penalty assessment (Gov. Code, § 76000) on the \$50 laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)); a 20 percent state surcharge of \$10 on the laboratory analysis fee (§ 1465.7, subs. (a), (b)); and state construction penalties of \$25 on the laboratory analysis fee, \$25 on the section 1464, subdivision (a), penalty assessment, and \$17.50 on the Government Code section 76000 penalty assessment, and, as amended, the judgment shall be deemed affirmed as of that date.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.  
Rothschild, J.

B190686 New Century Mortgage Corporation (Not for Publication)

V. Schwartz

The judgment is affirmed. New Century (First American Title Insurance) is awarded its costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.  
Jackson, J. (Assigned)

DIVISION ONE (continued)

B194524      General Electric Capital Corporation      (Not for Publication)  
v.  
Huxley

The order under review is affirmed.

Mallano, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                 Jackson, J. (Assigned)

B192055      Sosa      (Not for Publication)  
v.  
Rockpointe Homeowners Association, Inc. et al.

The summary judgment in favor of Rockpointe Homeowners Association, Inc., is reversed and on remand the trial court is directed to deny summary adjudication as to counts one, two, three, and five and to grant summary adjudication as to count six. The summary judgment in favor of Sky Blue Environmental, Inc., is reversed and on remand the trial court is directed to deny summary adjudication as to count two and to grant summary adjudication as to count six. The parties are to bear their own costs on appeal.

Mallano, Acting P.J.

We concur:    Rothschild, J.  
                 Jackson, J. (Assigned)

DIVISION TWO

B193400      Baker      (Not for Publication)  
v.  
American Express Financial Advisors, Inc., et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B194776 Chrysler Realty Company (Not for Publication)  
v.  
Rusnak Daimler Chrysler Center, Inc.

The judgment and order awarding attorneys' fees and costs are reversed and the matter is remanded to the trial court. Appellant is awarded its costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                          Chavez, J.

B175587 People (Not for Publication)  
v.  
Carrillo

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

DIVISION TWO (continued)

B198739      People      (Not for Publication)

v.  
Jordan

The order under review is reversed, as is the trial court's section 1538.5 ruling finding of an illegal detention and the order suppressing the fruits of that detention. The trial court is ordered upon remand to reinstate the information and to permit the People to proceed with the prosecution.

Doi Todd, J.

We concur: Boren, P.J.  
Chavez, J.

B171844      People      (Not for Publication)

v.  
Cox and Cox

The judgments are affirmed.

Suzukawa, J. (Assigned)

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

DIVISION THREE

B193084 People (Not for Publication)

V.

# Sytha Tha Seang

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B194041 People v. Joesph Daniel Moore (Not for Publication)

B197731      In re Joseph Daniel Moore on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B189226 People (Not for Publication)

V.

Juan David Rivas

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

DIVISION THREE (continued)

B194771      Sierra Club et al                      (Not for Publication)

v.

City of Santa Clarita et al

The Newhall Land and Farming Company

The judgment is affirmed. The city and Newhall are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Kitching, J.

B195301      David Stoltzman

v.

Dietmar Kruger et al

Filed order denying petition for rehearing.

B165756      Keith Alan

v.

American Honda Motor Co., Inc.

Filed order vacating submission order of October 10, 2007. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.



## DIVISION FOUR

B197571 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B195097      Avivi  
v.  
Centro Medico Urgente Medical Center, et al.

Filed order certifying opinion for publication.

DIVISION SIX

B196108      People      (Not for Publication)  
v.  
David

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SIX (continued)

B198092      In re: Nina G.      (Not for Publication)  
                  Santa Barbara Co. Child Welfare Services  
                  v.  
                  Jessica M.

The order of March 8, 2006, terminating parental rights is reversed and the proceeding is remanded to the juvenile court with directions to order CWS to comply with the notice provisions of ICWA, and to file all required documentation with the court. If, after proper notice, a tribe claims either Nina G. or Olivia M. is an Indian child, the juvenile court shall proceed in conformity with the provisions of ICWA. If no tribe makes such a claim, the order of March 8, 2006, shall be reinstated.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SEVEN

B197186      Zenith Insurance Co.      (Certified for Publication)  
v.  
Workers Compensation Appeals Board  
Cugini, Respondent

The decision of the WCAB is annulled and the matter is remanded to determine which schedule applies and for further proceedings not inconsistent with this opinion. The parties are to bear their own costs of this proceeding.

Woods, J.

We concur:   Perluss, P.J.  
                    Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B193902 People v. Avila  
197633 People v. Pule  
B198093 DCFS v. Georgetta A.  
B198219 DCFS v. Lonnie Y.  
B198798 DCFS v. Brenda J.  
B191254 People v. Jones  
B191683 People v. Szadziwicz  
B192451 People v. Zelaya  
B193068 People v. Roberts  
B194162 People v. Molina

DIVISION EIGHT (continued)

Each of the following (continued):

B198837 DCFS v. Sasha R. & Theresa M.

B201480 DCFS v. Sara A.

B196532 People v. Banuelos

Argument waived, cause submitted.

B194372      Enpalm, LLC

v.

Teitler Family Trust et al.,

Merits:

Argued by Timothy Milner for appellants and by Timothy L. Neufeld for respondent. Cause submitted.

B193192      Wanda Armstrong

v.

Burbank Unified School District

Merits:

Argued by Nancy Doumanian for respondent. Argument previously waived by appellant. Submission of the matter deferred pending filing of additional letter briefs. Cause submitted.

B196459      People

v.

Raymond Perez

Merits:

Argued by Matthew Alger for appellant and by Allison H. Chung, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT(continued)

B184420     People  
              v.  
              Kelvin Sims

Merits:

Argued by Fay Arfa for appellant and by Beverly K. Falk, Deputy Attorney General for respondent. Cause submitted.

B195788     People  
              v.  
              Shelly Hines

Merits:

Argued by Mark S. Devore for appellant and by Scott A. Taryle, Deputy Attorney General for respondent. Cause submitted.

Egerton, J. (Assigned) left the bench.

B191118     Larry Kaplan  
              v.  
              Adam Mamelak

Merits:

Argued by Kevin Meenan for appellant and by David Ozeran for respondent. Cause submitted.

Egerton, J. (Assigned) returned to the bench.

Cooper, P.J. left the bench.

DIVISION EIGHT(continued)

B197245     Konstantine Campbell  
              v.  
              Genisys Financial Corporation

Merits:

Argued by Jamie Schloss for appellant and by Tom R. Normandin for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:45 a.m.

Present: Cooper, P.J., Flier, J., Egerton, J. (Assigned) and Emma J. Amos, Deputy Clerk.

B192974     People  
              v.  
              Michael F. Dean

Merits:

Argued by Ronald Richards for appellant and by John Yang, Deputy Attorney General for respondent. Cause submitted.

B199297     Viola Rippon et al.,  
              v.  
              Bruce McPherson

Merits:

Argued by Raymond Boucher for appellants and by Mark Beckington, Deputy Attorney General for respondent Bruce McPherson. Argument previously waived on behalf of respondent County of L.A. Registrar. Cause submitted.

DIVISION EIGHT (continued)

Court recessed.

Court reconvened at 1:30 p.m.

Present: Cooper, P.J., Rubin, J., Egerton, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B190952      Yolanda Chairez  
                  v.  
                  Macy's Department Stores, Inc.,

Appearances:

Douglas Benedon for appellant and by Michael Franklin for respondent.

Argument waived, cause submitted.

Flier, J. assumed the bench.

B191284      Susanna Asatryan  
                  v.  
                  Mark Saiki et al.,

Merits:

Argued by Vladimir Bogorad for appellant and by Paul C. Epstein, Deputy Attorney General for respondents. Cause submitted.

Egerton, J. (Assigned) left the bench.

B196907      John Travis  
                  v.  
                  Board of Trustees of Calif. State University et al.,

Merits:

Argued by Glenn Rothner for appellant and by Susan Westover for respondents. Cause submitted.

DIVISION EIGHT (continued)

B194069     Boe & Associates, LLC  
              v.  
              MGA Entertainment, Inc.,

Merits:

Argued by Ronald Greenberg for defendant and appellant and by Dan Biersdorf for plaintiff and appellant. Cause submitted.

B197724     Gonzales  
              v.  
              City of South Gate

Oral argument continued to February 29, 2008, at 9:00 a.m.

B188157     Catalano  
              v.  
              Catalano

Oral argument continued to February 29, 2008, at 10:30 a.m.

Each of the following:

B188733 Unterberger v. Red Bull  
B189272 Harper et al., v. 24 Hour Fitness  
B197857 The Utility Reform v. Public Utilities

Oral argument continued to February 29, 2008, at 1:00 p.m.

Each of the following:

B191249     Litherblaire v. Union Oil  
B193519     People v. Steele

Oral argument continued to March 27, 2008, at 9:00 a.m.



DIVISION EIGHT (continued)

B193938     Shapiro  
              v.  
              Zelta et al.,

Matter ordered off calendar.

Court adjourned.

B192070     Larson                             (Not for Publication)  
              v  
              Larson

The judgment is affirmed. Wife shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
              Flier, J.

B194283     People                             (Not for Publication)  
              v.  
              Contreras,

The vandalism conviction is reduced from a felony to a misdemeanor. As modified, the judgment is affirmed. The case is remanded to the trial court to resentence Contreras. After resentencing, the trial court should forward a copy of the new abstract of judgment to the appropriate prison authorities.

Cooper, P.J.

We concur: Rubin, J.  
              Flier, J.

## DIVISION EIGHT (continued)

B198115 People (Not for Publication)

V.

# Petrossian

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B198816 People (Not for Publication)

V.

Chavez

The case is remanded to the trial court with directions to stay the four-year mid term sentence on Count 2. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Flier, J.

Egerton, J. (Assigned)

B188487 People (Not for Publication)

V.

Buckhalter

The judgment is affirmed.

Flier J.

We concur: Cooper, P.J.

Rubin, J.

## DIVISION EIGHT (continued)

B198136 Doe et al., (Certified for Publication)  
v.  
Salesian Society et al.,

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

[illegible]

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.